

MEETINGS TO DATE 20  
NO. OF REGULARS 19  
NO. OF SPECIALS 1

LANCASTER, NEW YORK  
OCTOBER 5, 1981

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 5th day of October, 1981, at 8:00 P.M. and there were:

PRESENT:

STANLEY JAY KEYSA, SUPERVISOR  
JOSEPH R. BARNHARDT, COUNCILMAN  
EDWARD A. BERENT, COUNCILMAN  
LEONARD E. GRZYBOWSKI, COUNCILMAN

ABSENT:

RONALD A. CZAPLA, COUNCILMAN

ALSO PRESENT:

ROBERT P. THILL, TOWN CLERK  
DOMINIC J. TERRANOVA, TOWN ATTORNEY  
RICHARD J. SHERWOOD, DEPUTY TOWN ATTORNEY  
ROBERT W. URBAN, HIGHWAY SUPERINTENDENT  
ROBERT L. LANEY, BUILDING INSPECTOR

BID OPENINGS:

None

PUBLIC HEARINGS:

None

OFFICIAL REPORTS:

None

COMMITTEE REPORTS:

Councilman Berent, for the Recreation Commission, reported that the bonding which funded Phase 1 of Walden Pond Park has been fully paid for this year.

Councilman Berent indicated that it is his intention and the intention of the Recreation Commission to begin a search now for an architect to develop Phase 2 of this park.

Councilman Grzybowski, for the Drainage Committee, inquired into the present status of the surface water drainage problem in the area of Central and Botimer.

The Highway Superintendent informed Councilman Grzybowski that ditching is necessary in this area and that due to the extensive backlog of ditching to be done, no firm date could be set for any remedial work in the Central/Botimer area.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

RESOLVED, that the minutes of the meeting of the Town Board of the  
Town of Lancaster, held September 21, 1981, as presented by the Town Clerk,  
be and hereby are approved.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN	BARNHARDT	VOTED	YES
COUNCILMAN	BERENT	VOTED	YES
COUNCILMAN	CZAPLA	WAS	ABSENT
COUNCILMAN	GRZYBOWSKI	VOTED	YES
SUPERVISOR	KEYSA	VOTED	YES

~~at~~xxx

The resolution was thereupon unanimously adopted.

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, bids were received for installation of a new roof on the Senior Citizens Building on Clerk Street on September 21, 1981, and

WHEREAS, an important modification in said specifications has become necessary, and

WHEREAS, revised specifications have been prepared by Shelgren & Marzec, Architects, and filed with the Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby rejects all bids received for installation of a new roof on the Senior Citizens Building, received by the Town Board on September 21, 1981;

2. That sealed proposals will be received, publicly opened, read aloud and considered by the Town Board of the Town of Lancaster at a meeting of the said Town Board to be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 19th day of October, 1981, at 8:45 o'clock P.M. Local Time, for furnishing all materials, labor and equipment incidental to new roofing on the Senior Citizens Building on Clerk Street in Lancaster, in accordance with revised specifications on file in the Town Clerk's office, and that Notice of Advertisement for Bids shall be published by the Town Clerk of the Town of Lancaster in the Lancaster Enterprise & Journal, being the official town newspaper and a newspaper of general circulation in the Town of Lancaster, no later than October 8, 1981, and posted according to law, which Notice shall be in the form attached hereto and made a part hereof, and

3. That the widest possible distribution of Notice of Bid be made by the Architect, Supervisor and Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~xxx~~  
The resolution was thereupon unanimously adopted.

October 5, 1981

LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO CONTRACTORS

NOTICE IS HEREBY GIVEN that pursuant to resolution of the Town Board of the Town of Lancaster, Erie County, New York, sealed proposals will be received, publicly opened, read aloud and considered by the Town Board on the 19th day of October, 1981, at 8:45 P.M., E.D.T., in the Town Hall Council Chamber, 21 Central Avenue, Lancaster, New York for furnishing all materials, labor and equipment incidental to New Roofing on the Senior Citizens Center Building on Clark Street behind the Town Hall. Proposals will be received in accordance with Contract Documents and Specifications prepared by Shelgren & Marzec, Architects, P.C., for the Town of Lancaster, a copy of which is on file with the Town Clerk at his office in the Town Hall, Lancaster, New York, where the same may be examined during the usual business hours.

Copies of the Contract Documents required for review or bidding purposes may be obtained at the offices of Shelgren & Marzec, Architects, P.C., 641 Delaware Avenue, Buffalo, New York, upon deposit of \$25.00 for each set. Any unsuccessful bidder, upon returning such set within 30 days after bid opening and in good condition, will be refunded his deposit, and any non-bidder upon so returning his set, will be refunded his deposit.

Each proposal must be accompanied by a certified check payable to the Town of Lancaster, or bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount not less than 5 percent of the amount of the base bid, conditioned that if his proposal is accepted, he will enter into a contract for same and that he will execute any such further security as may be required for the faithful performance of the contract.

All bids shall be submitted in sealed envelopes addressed to the Town of Lancaster and shall be plainly marked on the outside with the Contractor's name and title of his bid.

The Owner reserves the right to reject any or all bids for failure to comply with the requirements of the Contract Documents but may, at its discretion, waive any informalities or irregularities.

The Owner further reserves the right to reject any or all bids or to award a contract which in its judgment is in the best interest of the Owner.

No Bidder may withdraw his bid within 30 days after the opening thereof, but may withdraw same at any time prior to the opening thereof.

ROBERT P. THILL  
Town Clerk  
Town of Lancaster

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Superintendent of Buildings has recommended the  
conversion of the Public Works Building, including garage area and office area,  
from oil to natural gas as an energy conservation measure and more efficient  
method of heating the premises, and

WHEREAS, HABITERRA ASSOCIATES, by letter dated September 8, 1981, on  
file with the Town Clerk, has submitted his proposal for engineering work to  
accomplish this project,

NOW, THEREFORE, BE IT

RESOLVED, that HABITERRA ASSOCIATES be and hereby are retained in  
accordance with said proposal at a fee of \$900.00 for the garage portion of the  
project and a fee of \$2,250.00 for Option No. 3, for the office portion of the  
project.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

The resolution was thereupon ~~unanimously~~ adopted.

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, persons in charge of the various departments of the Town Government have submitted estimates of revenues and expenditures for the year 1982, and

WHEREAS, the Town Board has reviewed the estimates as prepared and filed by the various departments and has met with said department heads relative to said estimates and made certain changes thereto, and

WHEREAS, the Budget Officer has prepared and filed a tentative budget with his budget message, with the Town Clerk and the Town Clerk has filed same with the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that the Public Hearing on the Preliminary Budget of the Town of Lancaster for the year 1982, be held by this Town Board at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 19th day of October, 1981, at 8:00 o'clock P.M., Local Time, and

BE IT FURTHER

RESOLVED, that the necessary Notice of Public Hearing upon the 1982 Preliminary Budget, as required by Section 108 of the Town Law of the State of New York, be published in the Lancaster Enterprise & Journal, the official newspaper on October 8, 1981, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~duly~~  
The resolution was thereupon unanimously adopted.

October 5, 1981



LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE OF PUBLIC HEARING  
UPON THE 1982  
PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN, that the Preliminary Budget of the Town of Lancaster for the fiscal year beginning January 1, 1982, has been completed and filed in the office of the Town Clerk at the Town Hall, 21 Central Avenue, Lancaster, New York, where it is available for inspection by any interested persons during office hours.

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lancaster will meet and review said Preliminary Budget and hold a Public Hearing thereon at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:00 o'clock P.M., Local Time, on the 19th day of October, 1981, and at such hearing, any person may be heard in favor of or against the Preliminary Budget as compiled or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following town officers are specified as follows:

Supervisor	\$23,367.00
Budget Officer	5,450.00
Four (4) Councilmen	6,750.00 ea.
Town Clerk	23,964.00
Clerk-Zoning Board of Appeals	1,000.00
Superintendent of Highways	23,367.00
Superintendent of Buildings	5,450.00

BY ORDER OF THE:  
TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, Section 5-202.5 of the Election Law of the State of New York, provides for consolidation of Election Districts for the purpose of registration of voters, and

WHEREAS, the Town of Lancaster consolidated polling places for the years 1979 and 1980, thereby resulting in a substantial cost savings to the taxpayers of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster be and is hereby directed to contact the Erie County Board of Elections and request authorization from the Erie County Board of Elections for the consolidation of twenty-six (26) polling places within the Town of Lancaster for the October 1981 Registration of Voters into a single place of registration, that is, namely the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~and~~  
The resolution was thereupon unanimously adopted.

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, the Town Board, on behalf of all the Special Districts and Special Improvement Districts upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of the benefits conferred, has duly prepared detailed estimates in writing of the anticipated revenues and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same, and

WHEREAS, the Town Board has assessed the amount of said estimates on several lots against which the expense of the improvement was charged in proportion to the amount of benefit conferred, and

WHEREAS, Assessment Rolls were duly prepared according to law and said assessment rolls were duly filed in the office of the Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing is hereby called and shall be held on the 19th day of October, 1981, at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place this Town Board will meet to consider the aforementioned Special Districts Budget for the Year 1982, and to hear all persons interested in the subject matter thereof and concerning the same, and

BE IT FURTHER

RESOLVED, that a Legal Notice of said Public Hearing be published in the Lancaster Enterprise & Journal, once on October 8, 1981, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~xxx~~

The resolution was thereupon unanimously adopted.

October 5, 1981

LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE OF HEARING  
ON  
1982 SPECIAL DISTRICTS BUDGET

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lancaster, New York, at a regular meeting held on October 6, 1981, completed its estimates and assessment roll relating to Special Districts, spreading costs on a benefit basis, and has filed same with the Town Clerk for the following Districts for the year 1982:

Water Supply District Number 5  
Water Supply District Extensions 9, 10, and 11  
to Water District No. 1  
Water Supply District Extensions Numbers 1 and 2 to  
Water District No. 2  
Water Supply District Extensions Numbers 2, 3, 4, 6 and  
7 to Water District Number 3  
Water Supply District Extensions Numbers 1, 2 and 3  
to Water District Number 4  
Water Supply District Extensions Nos. 1, 2, 3 and  
4 to Water District Number 7  
Water Supply District Extension No. 1 to Water District  
Number 8  
Master Water Improvement Area  
Sanitary Sewer District Number 1 - Glendale and Parkdale  
Sanitary Sewer District Number 2  
Sanitary Sewer District Number 4  
Sanitary Sewer District Extensions 1, 2, 3 and 4  
to Sanitary Sewer District Number 2  
Sanitary Sewer Lateral Districts Numbers 1 and 2,  
and Meadowlea Estates, Lancaster Heights, Markey Avenue,  
South Broezel, Ronald-Charlton, and Botimer, within  
Sanitary Sewer District Number 2.  
Consolidated Lighting District Number 1  
Fire Protection District

NOTICE is also given that a Public Hearing on such estimates and Assessment Roll, will be held on October 19, 1981, at 8:15 o'clock P.M., Local Time, in the Council Chambers of the Town Hall on Central Avenue in the Town and Village of Lancaster, at which time and place the Town Board will meet to hear and consider any persons interested in the subject matter thereof.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated September 30, 1981, has requested permission to have John Trojanowsky, Youth Counselor, and David Parra, Outreach Worker, attend the New York State Youth Bureaus 11th Annual Conference from October 20th through October 23rd, 1981 at Smithtown, Long Island,

NOW, THEREFORE, BE IT

RESOLVED, that JOHN TROJANOWSKY, Youth Counselor, and DAVID PARRA, Outreach Worker, for the Town of Lancaster Youth Bureau, be and are hereby authorized to attend said workshop, and

BE IT FURTHER

RESOLVED, that all ordinary and necessary expense reimbursement, required for the attendance of John Trojanowsky and David Parra at said conference, be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~xbulyx~~  
The resolution was thereupon unanimously adopted.

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, to remain eligible for the National Flood Insurance Program it is necessary to enact flood plain management measures pursuant to federal government standards, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to protect property owners and residents from flood hazards within the Town of Lancaster, and

WHEREAS, participation by the Town of Lancaster in the National Flood Insurance Program will provide prospective owners the opportunity to obtain flood insurance as provided under the National Flood Insurance Program to minimize economic risk of flood damage,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, the Town Board of the Town of Lancaster will hold a public hearing on a proposed Town Ordinance, entitled "Flood Plain Ordinance", to be known as Chapter 21 of the Code of the Town of Lancaster, on October 19, 1981, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster New York, and that notice of the time and place of such hearing be published on October 8, 1981, in the Lancaster Enterprise & Journal, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the following form:

LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE OF PUBLIC HEARING

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on October 5, 1981, the said Town Board will hold a Public Hearing on the 19th day of October, 1981, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the enactment of a proposed Town Ordinance entitled, "Flood Plain Ordinance" to be known as Chapter 21 of the Code of the Town of Lancaster, as follows:

PROPOSED  
CHAPTER 21  
FLOOD PLAIN ORDINANCE

- 21-1 Statutory Authorization; Purpose & Objectives;  
Methods of Reducing Flood Losses.
- 21-2 Definitions
- 21-3 General Provisions
- 21-4 Administration
- 21-5 Provisions for Flood Hazard Reduction
- 21-6 Severability
- 21-7 Effective Date

Be it enacted by the Town Board of the Town of Lancaster,  
as follows:

21-1.0

STATUTORY AUTHORIZATION; PURPOSE & OBJECTIVES; METHODS OF REDUCING FLOOD LOSSES.

21-1.1

Statutory Authorization.

Pursuant to Town Law §130 (15), the Legislature of the State of New York has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. The Town Board of the Town of Lancaster does therefore in the interest of promoting same, ordain as follows: -

21-1.2

Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health.
- (2) To minimize expenditures of public money for costly flood control projects.
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- (6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas.
- (7) To insure that potential buyers are notified that property is in an area of special flood hazard, and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

21-1.3

Methods of Reducing Flood Losses; in order to accomplish its purposes, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.



21.2-0

DEFINITIONS

## Definitions.

Area of Special Flood Hazard - The land in the flood plain within the Town of Lancaster subject to a one percent or greater chance of flooding in any given year.

Base Flood - The flood having a one per cent chance of being equalled or exceeded in any given year.

Development - Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters and/or
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) - means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study - Means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Habitable Floor - means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, home subdivision are included because they must be regulated after base flood elevations are established. Although these terms are commonly used, the National Flood Insurance Program gives them a special meaning. If a community prohibits the placement of mobile homes in the area of special flood hazard, these three terms need not be included. However, "Mobile home" should still be included so it is known what type of structures are not allowed.

Mobile Home - means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

New Construction - means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

New Mobile Home Park or Mobile Home Subdivision means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

Start of Construction means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Structure - means a walled and roofed building, a mobile home or a gas or liquid storage tank, that is principally above ground.

Substantial Improvement - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 per cent of the market value of the structure either:

- 1) before the improvement or repair is started, or
- 2) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance - means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

21-3.0 GENERAL PROVISIONS

## 21-3.1 Jurisdiction.

This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Town of Lancaster.

## 21-3.2 Basis for Establishing the areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for the Town of Lancaster," dated June, 1981, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, and any revisions thereto, is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Town Clerk's Office in the Town Hall, 21 Central Avenue Lancaster, New York.

## 21-3.3 Compliance; Penalties.

- A) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.
- B) Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than Two Hundred Fifty Dollars (\$250.) or imprisoned for not more than thirty (30) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Lancaster from taking such other lawful action as is necessary to prevent or remedy any violation.

## 21-3.4 This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

## 21-3.5 Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

## 21-3.6 Warning &amp; Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger Floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Lancaster, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

21-4.0

ADMINISTRATION

21.4.1

## Establishment of Development Permit

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Building Inspector and shall include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities:

- (A) The Building Inspector shall consider the type of proposed construction or development, the magnitude of same as well as the location in evaluating applications for development permits and determining whether a particular project will impact flood heights.
- (b) A permit is required for all structural activities. These consist of walled and roofed buildings of any type including mobile homes intended for residential, commercial or industrial purposes, and gas or liquid storage tanks.
- (c) The following information shall be required of all applications involving structural activities:
  - 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
  - 2) Elevation in relation to mean sea level to which any structure has been floodproofed;
  - 3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and
  - 4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

21-4.2

## Designation of the Building Inspector

The Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

21-4.3

## Duties and Responsibilities of the Building Inspector in Permit Review.

21-4.3.1 The duties of the Building Inspector shall include, but not be limited to:

- 1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- 2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- 3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.3(1) are met.

#### 21-4.3.2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, Basis for Establishing the Areas of Special Flood Hazard, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Sections 5.2-1, Specific Standards, Residential Construction, and 5.2-2, Specific Standards, Nonresidential Construction.

#### 21-4.3.3 Information to be obtained and Maintained

- 1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- 2) For all new substantially improved floodproofed structure:
  - a. Verify and record the actual elevation (in relation to mean sea level); and
  - b. Maintain the floodproofing certifications required in Section 4.1(c)(3).
  - c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

#### 21.4.3.4 Alteration of Watercourses

- 1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- 2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

#### 21-4.3.5 Interpretation of FIRM Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

### 21-4.4 - Variance Procedure

#### 21-4.4.1 Appeal Board

- (1) The appeal board as established by the Town Board shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Town Board in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Town Board, or any taxpayer, may appeal such decision to the appropriate judicial forum as established by law.

## 21- 4.4.2 Conditions for Variances

- 1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- 2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- 3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 5) Variances shall only be issued upon:
  - a) A showing of good and sufficient cause;
  - b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.4-1(4), or conflict with existing local laws or ordinances.
- 6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## 21-5.0

Provisions for Flood Hazard Reduction

## 21-5.1

General Standards

In all areas of special flood hazards the following standards are required.

## 21-5.1.1

Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:
  - a) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
  - b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points with mobile homes less than 50 feet long requiring four additional ties per side;

- c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- d) Any additions to the mobile home be similarly anchored.

#### 21- 5.1.2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

#### 21- 5.1.3 Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### 21-5.1.4 Subdivision Proposals

- (1) All subdivision proposals, which for purposes of this ordinance shall mean the division of a parcel of land into two or more separate lots for resale purposes, shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

### 21-5.2

#### Specific Standards

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 21-3.2 Basis for Establishing the Areas of Special Flood Hazard, the following standards are required:

##### 21-5.2.1 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

##### 21-5.2.2 Nonresidential Construction

New Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or;

together with attendant utility and sanitary facilities, shall:



- (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

Such certifications shall be provided to the official as set forth in Section 4.3.2(2).

#### 21-5.2.3 Mobile Homes

- 1) Mobile homes shall be anchored in accordance with Section 5.1.1(2).
- 2) For new mobile home parks and mobile home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:
  - a) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
  - b) adequate surface drainage and access for a hauler are provided; and
  - c) In the instance of elevation on pilings, that:
    - lots are large enough to permit steps
    - piling foundations are placed in stable soil no more than ten feet apart, and
    - reinforcement is provided for pilings more than six feet above the ground level.
- 3) No mobile home shall be placed in a floodway, except in an existing mobile home park or an existing mobile home subdivision.

#### 21-5.3 Floodways

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0 Provisions For Flood Hazard Reduction.
- (3) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.



21-6.0 SEVERABILITY

## 21-6.1 Severability.

Should any section or provision of this Ordinance be decided by any court to be unconstitutional or invalid, such decision shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

21-7.0 EFFECTIVE DATE21-7.1 Effective Date

This Ordinance shall become effective after filing and publication as required by law.

Full opportunity to be heard will be given to any and all parties and all citizens in interest.

October 5, 1981

TOWN BOARD OF THE  
TOWN OF LANCASTER  
BY: ROBERT P. THILL  
Town Clerk

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~dubx~~

The resolution was thereupon unanimously adopted.

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Lancaster Volunteer Ambulance Corps, Inc., has purchased and will place in service a 1981 Ford Van Modular Ambulance, subject to a lease arrangement with the Town of Lancaster whereby said ambulance will be leased to the Town of Lancaster and made available for the exclusive use of the Ambulance Corps, and

WHEREAS, a lease has been drawn by the Town Attorney and accepted and executed by and on behalf of the Lancaster Volunteer Ambulance Corps and is on file with the Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board extends its sincere thanks and gratitude to the Lancaster Volunteer Ambulance Corps for its efforts in making a new ambulance available to the residents and public of the Town of Lancaster;
2. That the Supervisor be and hereby is authorized and directed to execute a lease for a new ambulance by and between the Town of Lancaster and the Lancaster Volunteer Ambulance Corps;
3. That the Town Clerk forward an executed copy of the Lease to Robert Over, President of the Lancaster Volunteer Ambulance Corps, Inc.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~xxxx~~

The resolution was thereupon unanimously adopted.

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster awarded a CATV  
Franchise to Global Cable TV on August 5, 1981, and

WHEREAS, the Cable TV Advisory Committee has carried on  
negotiations with the designated franchisee to formulate a Franchise Agreement  
between the Town of Lancaster and Global Cable TV, and

WHEREAS, the Cable TV Advisory Committee has submitted a Franchise  
Agreement to the Town Board and advised the Town Board that this Agreement is  
the final Agreement as negotiated with Global Cable TV, and is on file with  
the Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster does hereby  
approve this Franchise Agreement as submitted by the Cable TV advisory Committee  
and authorizes the Supervisor, as the Chief Executive Officer, to execute this  
Agreement in the name of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~dukyx~~  
The resolution was thereupon unanimously adopted.

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated September 25, 1981, has requested permission to have John Trojanowsky, Youth Counselor, and David Parra, Outreach Worker attend a workshop titled "The American Family in Crisis" to be held October 6, 1981 at Hamburg, New York,

NOW, THEREFORE, BE IT

RESOLVED, that JOHN TROJANOWSKY, Youth Counselor, and DAVID PARRA, Outreach Worker, for the Town of Lancaster Youth Bureau, be and are hereby authorized to attend said workshop, and

BE IT FURTHER

RESOLVED, that mileage reimbursement be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~study~~  
The resolution was thereupon unanimously adopted.

October 5, 1981

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER, IN  
Y OF ERIE, NEW YORK (by the favorable vote of not less than  
s of all the members of said Board) AS FOLLOWS:

Section 1. The Town of Lancaster (herein called "Town"), in the County of Erie, New York, is hereby authorized to reconstruct the roof of the Senior Citizens Building located at Clark Street, in the Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$25,000 and the said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$25,000 serial bonds to finance said appropriation, and the levy of a tax upon all the taxable real property in the Town to pay the principal of said bonds and the interest thereon. Any grants received

from the United States of America and/or the State of New York shall be applied to the cost of said specific object or purpose or the redemption of said bonds or any bond anticipation notes issued in anticipation of the sale of said bonds or shall be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. Serial bonds of the Town in the principal amount of \$25,000 are hereby authorized to be issued to finance said appropriation, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law").

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of Section 11.00.12.(3) of the Law, is ten (10) years, but the maturity of any bonds issued will not exceed five (5) years.

(b) Current funds are not required prior to the issuance of the bonds herein authorized or of any notes in anticipation of the sale of such bonds pursuant to the provisions of Sections 107.00d.4 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by

a general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publications of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

\*

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\*

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN CZAPLA WAS ABSENT

COUNCILMAN GRZYBOWSKI VOTED YES

SUPERVISOR KEYSA VOTED YES

~~only~~

The resolution was thereupon unanimously adopted.

October 5, 1981



Page 637  
THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER, IN  
THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk is hereby directed to publish  
the foregoing bond resolution, in full, in the "Lancaster  
Enterprise & Journal", a newspaper published in Lancaster, New York  
and having a general circulation in said Town, which newspaper  
is hereby designated as the official newspaper of the Town for  
such publication, together with the Town Clerk's statutory  
notice in the form prescribed by Section 81.00 of the Local  
Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

\*

\*

\*

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	WAS	ABSENT
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

~~duh~~xx

The resolution was thereupon unanimously adopted.

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,  
ADOPTED OCTOBER 5, 1981, AUTHORIZING THE ALTERATION  
OF THE HEATING SYSTEM OF THE PUBLIC WORKS BUILDING  
LOCATED AT LANCASTER TOWN CENTER, IN THE TOWN, STATING  
THE ESTIMATED MAXIMUM COST THEREOF IS \$32,000, APPRO-  
PRIATING SAID AMOUNT THEREFOR, INCLUDING THE APPROPRIATION  
OF \$1,600 CURRENT FUNDS TO PROVIDE THE REQUIRED DOWN  
PAYMENT AND AUTHORIZING THE ISSUANCE OF \$30,400 SERIAL  
BONDS OF THE TOWN TO FINANCE THE BALANCE OF SAID  
APPROPRIATION.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER,  
IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less  
than two-thirds of all the members of said Board), AS FOLLOWS:

Section 1. The Town of Lancaster, in the County of Erie,  
New York (the "Town"), is hereby authorized to reconstruct  
the heating system of the Public Works Building, in the Town.  
The estimated maximum cost of said specific object or purpose,  
including preliminary cost and costs incidental thereto and the  
financing thereof, is \$32,000 and the said amount is hereby  
is hereby appropriated therefor including the appropriation of  
\$1,600 surplus funds to provide the required down payment.  
The plan of financing includes the expenditure of said surplus  
funds the issuance of \$30,400 serial bonds of the Town to  
finance the balance of the appropriation, the levy of a  
tax upon all the taxable real property within the Town to  
pay the principal of said bonds and interest thereon as the  
same shall become due and payable.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of \$30,400 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance said appropriation not covered by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The said Town Hall of Class "A" construction and the period of probable usefulness of the specific object or purpose for which the \$30,400 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00a.13. of the Law is ten (10) years.

(b) Current funds are required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds, and such current funds in the amount of \$1,600, are now available in the current budget of the Town and the heading "Unappropriated Surplus Funds". The Village Treasurer is hereby authorized and directed to set aside said current funds and to apply same to said class of object or purpose..

(c) The proposed maturity of the bonds authorized pursuant to this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by §52.00 of the Law and said bonds and any notes issued in anticipation thereof, shall be general obligations of the Town, payable as to both principal and interest by a general

tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the Town by appropriation for

- (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and
- (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of \$30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said notes and of \$50.00 and \$56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized pursuant to this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of publication of such resolution, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication,  
or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution is subject to a permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	WAS	ABSENT
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

~~xxx~~  
The resolution was thereupon unanimously adopted.

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER,  
IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk of the Town of Lancaster shall, within ten (10) days after the adoption of the bond resolution referred to in the form of Notice hereinafter set forth in Section 3 hereof, cause to be published at least once in "LANCASTER ENTERPRISE-JOURNAL" a newspaper published in Lancaster, New York and to be posted in at least six (6) public places in the Town, a Notice which shall set forth the date of adoption of said foregoing resolution and contain an abstract thereof concisely stating its purpose and effect.

Section 2. After the said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law of the State of New York.

Section 3. The Notice referred to in Section 1 hereof, shall be in substantially the following form:

TOWN OF LANCASTER, NEW YORK

PLEASE TAKE NOTICE that on October 5, 1981, the Town Board of the Town of Lancaster, New York, adopted a resolution entitled:

"Bond Resolution of the Town of Lancaster, New York, adopted October 5, 1981, authorizing the alteration of the heating system of the Public Works Building located at Lancaster Town Center, in the Town, stating the estimated maximum cost thereof is \$32,000, appropriation said amount therefor, including the appropriation of \$1,600 current funds to provide the required down payment and authorizing the issuance of \$30,400 serial bonds of the Town to finance the balance of said appropriation,"

an abstract of such resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the Town of Lancaster ("Town") New York, to reconstruct the heating system of the Public Works Building in the Town; STATING the estimated maximum cost of said specific object or purpose, is \$32,000; APPROPRIATING the said amount therefor, including the appropriation of \$1,600 current funds to provide the required down payment; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$30,400 serial bonds to finance the balance of said appropriation and the levy and collection of a tax upon all the taxable real property in the Town to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING \$30,400 serial bonds of the Town to be issued pursuant to the provisions of the Local Finance Law ("Law"), to finance the balance of said appropriation;

THIRD: DETERMINING AND STATING that the period of probable usefulness of the specific object or purpose is ten (10) years; that current funds are required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds, and such current funds in the amount of \$1,600 are now available in the current budget of the Town under the heading "Unappropriated Surplus Funds;" AUTHORIZING AND DIRECTING the Town Supervisor to set aside said current funds and to apply same solely to said class of objects or purposes; STATING that the proposed maturity of the bonds authorized pursuant to this resolution will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any notes issued in anticipation of the sale thereof and the renewals of said notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town.

FIFTH: DELEGATING to the Supervisor the powers and duties of the Town Board as to the issuance of said bonds and any notes issued in anticipation of the sale thereof or the renewals of said notes; and

SIXTH: DETERMINING that the resolution is subject to a permissive referendum.

DATED: OCTOBER 5, 1981

ROBERT P. THILL  
Town Clerk



The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~xxxx~~

The resolution was thereupon unanimously adopted.

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCILMAN GRZYBOWSKI , WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCILMAN  
 BARNHARDT , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby  
 ordered paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Fund	No. 685 to 739 Incl.	\$126,658.66
Highway Fund	No. 703 to 717 Incl.	\$ 39,580.40
Special District Fund	No. 537 to 537 Incl.	\$ 1,070.12
Trust & Agency Fund	No. 513 to 516 Incl.	\$ 19,370.22
Federal Revenue Sharing Fund	No. 191 to 196 Incl.	\$ 1,882.01
Capital Fund	No. 560 to 565 Incl.	\$ 27,684.12

The question of the adoption of the foregoing resolution was duly  
 put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~xxxx~~  
 The resolution was thereupon unanimously adopted.

October 5, 1981

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCILMAN BERENT , WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCILMAN  
 BARNHARDT , TO WIT:

RESOLVED, that the following Building Permit Applications be and  
 are hereby approved and the issuance of Building Permits be and are hereby  
 authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
159	Marrano Corp.	76 Pleasant View Dr.	ER. FR. SIN. DWLG
160	George Krieb	15 Cemetery Rd.	EXT. FR. PVT. GARAGE
161	Josela Enter.	3 Squirrel Run	ER. FR. SIN. DWLG, PVT. GARAGE
162	Erv Lauffer	556 Ransom Rd.	EXT. FR. PVT. GARAGE

The question of the adoption of the foregoing resolution was duly  
 put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	WAS ABSENT
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~xxx~~

The resolution was thereupon unanimously adopted.

October 5, 1981

Councilman Berent requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GRZYBOWSKI , TO WIT:

WHEREAS, on the 23rd day of June, 1981, a Referendum was held in Erie County and within the Town of Lancaster upon a proposed Local Law No. 2 - 1981 for the County of Erie, and

WHEREAS, prior to said Referendum, by letter dated March 31, 1981, the County Attorney's Office rendered an opinion that pursuant to Section 4-136 of the Election Law of the State of New York, all expenses related to this Referendum will be a charge upon the County of Erie and that any expenses made by any Towns would be reimbursed by the County, and

WHEREAS, the Town Clerk of the Town of Lancaster has submitted an invoice to the County of Erie for reimbursement of all costs involved in the Special County Referendum on June 23, 1981 in the amount of \$9,907.24 and certified there to, and

WHEREAS, the County Budget Office, by memorandum dated September 2, 1981, has disallowed to the Town of Lancaster cost reimbursement for the amortization of voting machines and for regular staff salaries of the Town Clerk's Office as detailed to this Special County Referendum.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby memorializes the Erie County Board of Elections, the Erie County Budget Office, and the Erie County Comptroller to pay as rendered the total costs to the Town of Lancaster in the amount of \$9,907.24 representing the total costs both direct and indirect to the Town of Lancaster in administering and supervising the Special County Referendum on June 23, 1981, and

BE IT FURTHER

RESOLVED, that the action of the Erie County Budget Office, in light of the opinion of the County Attorney, in denying cost reimbursement to the Town of Lancaster for amortization of voting machines and regular staff salaries during office hours, is considered by this Town Board to be a breach of good faith between the County of Erie and the Town of Lancaster in that prior to the County referendum, numerous assurances were given to the Town of Lancaster, and other Towns within the County of Erie, of complete cost reimbursement, and

BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to Alfreda Slominski, the County Comptroller, the County Executive, the County Board of Elections, Legislator Paxon, Legislator Slisz, the Clerk of the County Legislature, and the Towns of Cheektowaga, Hamburg, Tonawanda, and West Seneca.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN CZAPLA WAS ABSENT

COUNCILMAN GRZYBOWSKI VOTED YES

SUPERVISOR KEYSA VOTED YES

~~all~~xx

The resolution was thereupon unanimously adopted.

October 5, 1981

STATUS REPORT ON UNFINISHED BUSINESS:

1. Dumping Permit Application - Walt's Tree Service  
On April 16, 1981, the Planning Board recommended denial of this application. On April 20, 1981, the Town Board returned this application to the Planning Board for further review and recommendation.
2. Grade Crossings, Maple Drive Signalization  
On February 4, 1980, the N.Y.S. Dept. of Transportation acknowledged receipt of the Town Board resolution requesting signalization of this crossing and forwarded it to Albany Railroad Safety Section for review.
3. Public Improvement Permit Authorization, Countryside Subdivision, Phase 1 (Josela)  
The Town Board on October 1, 1979, authorized issuance of P.I.P. No. 75 (street lighting) and P.I.P. No. 76 (sidewalks) which have not yet been accepted by the Town Board. There is no retention pond associated with this subdivision.
4. Public Improvement Permit Authorization, Countryview East Subdivision, Phase 1 (Marrano)  
On January 21, 1980, the Town Board authorized issuance of P.I.P. No. 77 (sidewalks) and No. 78 (street lighting) which have not yet been accepted by the Town Board. The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 21, 1981. On July 6, 1981, the Certificates of Occupancy were ordered held until retention basins are cleaned.
5. Public Improvement Permit Authorization, Heritage Hills Subdivision, Phase 1  
The Town Board authorized issuance of P.I.P. No. 69 (street lighting) and P.I.P. No. 70 (sidewalks) which have not yet been accepted by the Town Board. The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance. On July 6, 1981, the Certificates of Occupancy were ordered held until retention basins are cleaned.
6. Public Improvement Permit Authorization, Woodview Estates Subdivision  
The Town Board authorized issuance of P.I.P. No. 57 (sidewalks) and No. 58 (street lighting) which have not yet been accepted by the Town Board. There is no retention pond associated with this subdivision. At the Town Board meeting of May 18, 1981, the Building Inspector was directed to inform the developer to complete the required sidewalks within this subdivision.
7. Special Use Permit - Brink's Motors's, Inc.  
On March 2, 1981, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
8. Street Lighting Damage - New Subdivisions  
On June 15, 1981, this matter was referred to the Lighting Committee for review. On August 18, 1981, the Town Clerk wrote to the developers of Heritage Hills Subdivision, Country View East Subdivision, and Countryside Subdivision directing them to repair all damaged items.
9. Subdivision Approval, Countryside East  
On January 15, 1979, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.

STATUS REPORT ON UNFINISHED BUSINESS CONT'D.:

10. Subdivision Approval, Lancaster Industrial Commerce Center  
On May 12, 1981, the N.Y.S. Dept. of Audit and Control acknowledged receipt of the Water, Sanitary Sewer and Drainage District applications.
11. Subdivision Approval, Plumb Bottom Estates  
On June 1, 1981, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
12. Traffic Study, Central Avenue and Columbia Avenue Intersection  
On September 4, 1980, the County Dept. of Highways requested a report of all accidents at this intersection for the past three years. On October 8, 1980, the Town Clerk provided the County with the required report data.
13. Traffic Study, Genesee Street and Ransom Road  
On July 6, 1981, the Town Board adopted a resolution requesting the N.Y.S. Dept. of Transportation to improve the sight line distances at this intersection. On July 13, 1981, the N.Y.S. Dept. of Transportation notified the Town Board that they will conduct this study as their caseload permits.
14. Traffic Study, Green Arrows at Central and Walden Avenues  
On March 20, 1981, the N.Y.S. Dept. of Transportation notified the Town Board that green arrows will be installed at this intersection.
15. Traffic Study, Speed Reduction on William Street  
On September 9, 1980, the N.Y.S. Dept. of Transportation notified the Town Board that this study was under way.

The Town Clerk was directed to add this item to future Town Board agendas  
"General Insurance Review"

PERSONS DESIRING TO ADDRESS TOWN BOARD:

None

COMMUNICATIONS:DISPOSITION

763. Town Clerk to Town Board -  
Transmittal of resolution relative to  
traffic signals at Walden and Central  
And Walden and Pavement.
764. Property Manager to Town Board -  
Summary of Total Fixed Assets Inventory  
as of 6/30/81.
765. Town Engineer to Councilman Berent -  
Notification of preliminary cost estimate  
for installation of practice hydrant at  
Town Line Fire Co.
766. Planning Board to Town Board -  
Minutes from meeting held 9/16/81.
767. The Marrano Corp. to Town Clerk -  
Notification that street lighting defects  
have been rectified.
768. Town Clerk to Town Board -  
Resume of actions taken in regards to  
Town Board meeting held 9/21/81.
769. Ernest A. Holfoth, CPCU to Town Clerk -  
Comments regarding fire companies named  
as additional insured.
770. International Cable to Global Cable TV -  
Comments regarding Sabres package.
771. Chair., Ambulance Board to Town Board -  
Notice of meeting of Ambulance Board  
to be held 10/14/81 at Squad Room.
772. Police Chief to Supervisor -  
Comments and recommendations concerning  
hazardous waste accident of 9/14/81.
773. County Dept. of Environment and Planning  
to Depew Village Board of Trustees -  
Comments regarding Village of Depew  
late payments to ECSD No. 4.
774. Southeast Community Work Center, Inc. to  
Town Board -  
Solicitation for financial support for  
1982.
775. Town of Wales to Supervisor -  
Notice of interest in Community Services  
Demonstration Clusters Project.
776. Supervisor to Department Heads -  
Schedule of interviews regarding 1982  
Budget.
777. Habiterria Associates to Highway Supt. -  
Submittal of estimates and fees concerning  
renovation of heating system at P.W.G.
778. Depew Village Clerk to Town Clerk -  
Transmittal of two resolutions adopted  
9/21/81 regarding ambulance calls.
779. Alden Town Clerk to Supervisor -  
Transmittal of resolution adopted 9/21/81  
recommending procedure to work with neighbor-  
ing towns on joint refuse disposal site.

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BUDGET COMMITTEE

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SUPERVISOR

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SOLID WASTE COMMITTEE



COMMUNICATIONS CONT'D.:DISPOSITION

780. County Dept. of Senior Services to Supervisor -  
Notice of "Paging the Aging" meetings to be  
held at various locations.

R & F  
SR. CITIZENS CENTER

781. Buffalo Sewer Authority Service Area to  
Supervisor -  
Newsletter for Pretreatment Program.

R & F

782. County Dept. of Personnel to Supervisor -  
Notice of police promotional examinations.

R & F

783. Youth Bureau to Supervisor -  
Request permission to have Youth Counselor  
and Outreach Worker attend workshop at  
Hamburg on 10/6/81.

R & F

784. Ernest A. Holfoth to Town Clerk -  
Preliminary report on general insurance  
review.

INSURANCE COMMITTEE  
ADD TO UNFINISHED  
BUSINESS

785. Town Clerk to Town Board -  
Comments regarding cost reimbursement  
to Town for County Referendum.

ATTY. FOR SUSPENDED  
RESOLUTION

786. General Code Publishers to Town Clerk -  
Notice of ability to supply supplemental  
index to Code.

R & F

787. Supervisor to Town Clerk -  
Transmittal of 1982 Budget Officer's  
Tentative and Preliminary Budget.

R & F

788. N.Y.S. Policemen's and Firemen's Retirement  
System to Supervisor -  
Notification that resolution providing  
one year final average salary will be  
effective 7/1/82.

R & F

789. N.Y.S. Division for Youth to Supervisor -  
Transmittal of approved copy of Depew-  
Lancaster Boys Club amendment.

R & F

790. Supervisor to Mrs. Helen Fahey -  
Expression of appreciation for water  
color of Town Hall.

R & F

791. Belmont Shelter Corp. to Supervisor -  
Notice of meeting to be held 10/7/81  
at West Seneca regarding Section 8 Existing  
Housing and Modern Rehabilitation Programs.

R & F  
PLANNING BOARD

792. CSEA to Supervisor -  
Statement notifying negotiate right to  
payroll deductions.

R & F  
BILL HOLCOMB

793. Cable TV Committee to Town Board -  
Transmittal of final agreement between Town  
and Global Cable TV.

R & F

794. Town Clerk to Supervisor -  
Monthly report for September 1981.

R & F

795. Youth Bureau to Supervisor -  
Request permission to have Youth Counselor  
and Outreach Worker attend conference at  
Smithtown, L.I. from 10/20-23/81.

R & F

796. Supervisor to Town Board -  
Notification of various fund investments  
during September 1981.

R & F

COMMUNICATIONS CONT'D.:

### DISPOSITION

797. Supervisor to NFTA and Town of Cheektowaga  
Supervisor -  
Request meeting to discuss airport fire  
protection.

R & F

ADJOURNMENT:

ON MOTION OF COUNCILMAN BERENT, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:55 P.M. out of respect to:

DIANA MILLER

GERALD LAMBERT

LYDIA WOODS

Signed Robert P. Thill  
Robert P. Thill, Town Clerk